

PATENTS  
Application Serial No. 09/697,233  
Confirmation No. 3470  
Attorney Docket No. NMC-003.01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Pych, Joseph )  
Application No: 09/697,233 ) Art Unit: 3639  
Filed: October 26, 2000 ) Confirmation No.: 3470  
For: SYSTEMS AND METHODS FOR ) Examiner: Robinson Boyce,  
GENERATING HIGHLY ) Akiba K  
RESPONSIVE PROSPECT LISTS )

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NON-FINAL OFFICE ACTION**

Applicant hereby traverses the Office Action mailed on May 5, 2006. The Examiner bases her restriction of Applicant's application on 35 U.S.C § 121, which permits restriction in an application that claims two or more "independent and distinct" inventions, i.e., inventions that are "unconnected in design, operation and effect." *See MPEP §802.01.* Applicant respectfully requests reconsideration of that requirement, because a close inspection of the two inventions reveals that their effect and operation is essentially the same.

The Examiner states on page 3 of the Office Action that:

the combination of [Group II] deals with the identification of second list purchasers through identification of lists that were successfully used by a first list purchaser. The subcombination [Group I] has separate utility such as identifying successful lists of prospective customers for a list purchaser.

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But the inventions of both Groups I and II have the same effect: they both provide a first list purchaser with a targeted list of prospective customers. Moreover, the operation by which they obtain that effect is also the same: choosing prospective customers from a group of selected lists. The only difference is the criterion used for selecting the group of selected lists. In Group I, the criterion for list selection is that the targeted list and a list identified as successful by the first list purchaser share similar content, whereas in Group II, it is that they share similar users. Therefore, Applicant respectfully requests that the Examiner reconsider the restriction requirement.

In accordance with 37 C.F.R. § 1.143, though, Applicant provisionally elects claims 2 to 8, 10 to 13, 17 to 18, 56, 57 and 59 to 62 of Group II.

Any questions raised by this submission may be directed to the undersigned at (617) 832-1257. The Commissioner is hereby authorized to charge any underpayments, or credit any overpayments, to our **Deposit Account No. 06-1448, Reference NMC-003.01**.

Respectfully submitted,

Date: September 1, 2006  
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